

**Questions for the Record for
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Principal Deputy Assistant Attorney General
Office of Justice Programs**

**Committee on the Judiciary
United States Senate**

**“Fulfilling our Commitment to Support Victims of Crime”
April 13, 2011**

Questions from Senator Charles Grassley, Ranking Minority Member

1. Does the Vision 21 Initiative currently include a comprehensive review of OJP’s policy and procedures in administering the grant programs? If not, why not? Will you add such a review to the Vision 21 Initiative? If not, why not?

Answer: *Vision 21: Transforming Victim Services* is a programmatic, strategic planning effort of the Office for Victims of Crime (OVC) within the Office of Justice Programs (OJP). The goal is to examine the current status of the victim services field, assess existing efforts to address enduring and emerging challenges, support targeted efforts to continue promising practices, and determine the most efficient and effective approach to funding victim services in the future. The effort involves an extensive review of current literature and the convening of stakeholder forums to elicit information from the field. A final report will provide a strategy for victim services in the next decade. As an OVC strategic planning effort, Vision 21 does not address issues related to OJP’s administration of grants.

However, proper grants management is one of OJP’s highest priorities. In Fiscal Year (FY) 2011, OJP awarded more than \$2.1 billion over 3,500 grants nationwide. OJP has a responsibility to ensure the grant process is transparent and fair and that we manage the grants system in a manner that avoids waste, fraud, and abuse. OJP continually reviews procedures and internal controls to find ways to improve grants management.

In the past few years, OJP has made progress in effective grants management. OJP’s efforts have been highlighted in the DOJ’s Office of the Inspector General’s (OIG) recent “*Semiannual Report to Congress: October 1, 2010 – March 31, 2011*” as well as its March 2011 report entitled, “*Audit of The Office of Justice Programs’ Monitoring and Oversight of Recovery Act and Non-Recovery Act Grants.*” These reports describe many of the significant improvements in OJP’s monitoring and oversight of grants, stating that “Since the establishment of OAAM [the Office of Audit, Assessment, and Management], OJP has made a significant commitment to improving the monitoring and oversight of grants.” These reports also acknowledge the collaborative relationship that has developed between OJP and the OIG in addressing grant management challenges. OJP’s

improvements have also recently been highlighted in a National Aeronautical and Space Administration (NASA) OIG audit on NASA's grants administration and management. In addition, during an oversight hearing on the Department of Housing and Urban Development, the House Committee on Financial Services pointed to OJP as a model for accountability, transparency, and project management on the Correctional Facilities in Tribal Lands program.

OJP is also an active participant in the Grant Challenges Workgroup, convened by the Deputy Associate Attorney General in January 2010, to develop consistent grants management practices and procedures across DOJ's primary grant making components (this includes OJP, the Office on Violence Against Women (OVW) and the Office of Community Oriented Policing Services (COPS Office)). The policies and procedures developed by that group apply to all OJP, OVW, and COPS Office grants, including cooperative agreements funded through Vision 21. One effort undertaken by the workgroup has been the development of policies and procedures on managing high risk grantees, ensuring that all DOJ grant making entities are consistent in their management of high risk grantees. Grantees identified as high risk are subject to increased monitoring and oversight.

2. Over the past ten years, only 19 victim-assistance grant recipients have been audited by the DOJ IG's office. Of those 19 recipients, the IG's office questioned costs with 15 of the recipients, a loss totaling over \$8.2 million. Does the Vision 21 Initiative include identifying weaknesses in the administration of grants that grantees and sub-grantees have used to misuse or misappropriate grant funds? If not, why not? Will you add such a review?

Answer: Vision 21 is a strategic planning effort and does not address grants administration. However, OJP has undertaken the following efforts to ensure that grantees and sub-grantees do not misuse or misappropriate grant funds:

- In FY 2009, OJP implemented its high risk grantee designation program, which served as a model for the DOJ-wide high-risk program established in FY 2011.
- OJP bureaus and program offices and its Office of the Chief Financial Officer (OCFO) are using tools to systematically assess risk associated with grants and grantees to prioritize monitoring activities.
- OJP has consistently exceeded its statutory requirement to conduct comprehensive monitoring of not less than 10% of total award dollars. In FY 2011, OJP monitored more than twice the award amount required by law.
- In FY 2011, OJP, the COPS Office and OVW developed a DOJ-coordinated monitoring plan to allow for maximum joint site visits, which enhances

monitoring effectiveness; achieves cost efficiencies; and reduces burden on grantees.

Since FY 2009, more than 600 OJP employees have participated in training on detecting and preventing grant fraud. In December 2011, OJP launched an on-line financial management-training tool for all DOJ grantees and grant management staff.

3. Does the Vision 21 Initiative include identifying practices and procedures which would allow OJP to more quickly identify those grantees which are underperforming from the stated goals the grantee used to obtain the funding? If not, will you add such a review of OJP internal procedures?

Answer: Grant administration and oversight is outside the purview of the Vision 21 effort.

OJP's grant monitoring and oversight is an integrated process of programmatic, financial, and administrative management that occurs throughout the grant lifecycle from the award through the closeout of the grant. There are at least three layers of oversight conducted at OJP - by the awarding agency, the OCFO, and OAAM. OJP's grant monitoring and oversight is an integrated process of programmatic, financial, and administrative management that occurs throughout the grant lifecycle from the award through the closeout of the grant. OJP has consistently exceeded its statutory requirement to conduct comprehensive monitoring of not less than 10% of total award dollars, as set forth in Public Law 109-162, "The Violence Against Women and Department of Justice Reauthorization Act of 2005."

Programmatic monitoring of the content and substance of grant programs is accomplished by conducting desk reviews and on-site visits and engaging in substantive grantee interaction. Each year, OJP bureaus and program offices assess risk and performance factors associated with their grant programs to determine which grants are most in need of on-site monitoring and plan on-site visit activities accordingly. Throughout the year, OJP grant managers conduct on-site monitoring visits to assess grantee performance and compliance with programmatic and Federal grant administration requirements. In addition to on-site monitoring, OJP grant managers conduct annual desk reviews of active awards.

In addition to programmatic monitoring, OCFO conducts financial monitoring of OJP awards and grants issued by the COPS Office and OVW. The objectives of these financial monitoring reviews are to ensure grantee compliance with financial guidelines and general accounting practices, and to ensure proper fiscal management of grant expenditures.

4. Once the Initiative identifies those practices which best serve victims, will the Initiative also include a comparison of fiscal performance of those grantees which provide best practices? This would permit OJP to learn and then share those methods which would allow grantees to maximize the assistance they are able to provide. Additionally, this would also permit OJP to be able to more closely tailor grant amounts to match the victims serve, thereby reducing the opportunity for waste. If not, will you add such a study?

Answer: The majority of VOCA funding is awarded to the states through formula grants and is not administered or directly monitored by OVC at the direct service provider level. OVC monitors the states' administration of this funding. OVC does administer a small amount of discretionary funding that addresses gaps identified in training, technical assistance, and demonstration projects in the overall victims' field. Among other goals, Vision 21 aims to obtain greater input from stakeholders in the field concerning gaps and priorities. If Vision 21 eventually includes recommendations regarding broad grant administration policy, the Department of Justice would work closely with Congress before making such changes.

Question from Senator Jon Kyl

5. How much do clinics receive from the Crime Victims' Fund? Why don't clinics receive more?

Answer: Currently, nine victim legal clinics receive funding from the Crime Victims Fund (CVF) under the Victims of Crime Act through a discretionary grant to the National Crime Victim Law Institute (NCVLI) from the Office for Victims of Crime (OVC). In Fiscal Year (FY) 2010, OVC competitively awarded a cooperative agreement in the amount of \$800,000 to NCVLI under the *Enforcing Victims' Rights: Direct Representation Through Legal Clinics* solicitation. Of this award amount, \$600,000 supports nine clinics. (These clinics, as well as two others, also receive funding under a FY 2009 Byrne Recovery Act grant).

In June 2010, OVC issued policy guidance to state VOCA administrators clarifying that VOCA victim assistance formula funding can support legal clinics as long as the clinics have a victim focus and the services offered relate to the victimization (and do not include civil restitution efforts or divorce). Currently, it appears that only three of the clinic organizations receive VOCA funding from the state to support the legal clinic's work. They are: Arizona Voice for Crime Victims; the DWI Resource Center (New Mexico Victims' Rights Project); and the Utah Crime Victims Legal Clinic. In 2010, these organizations received amounts up to \$119,520 from their respective states to support their victim legal clinics. NCVLI reports that it costs approximately \$250,000 to operate a legal clinic for one year. This is, however, the funding required for a fairly lean operation – not one that is able to serve all the victims in the jurisdiction who are in need of legal services. State VOCA administrators report that they largely are unable to support new projects of any kind, including legal clinics, due to severe state budget

shortfalls. They indicate that states are cutting back on their state funds to support crime victims and relying even more heavily on VOCA and VAWA funding.

It is interesting to note that the New Jersey Crime Victims' Law Center received a grant under the Recovery Act for its legal clinic work. When provided with an additional stream of funding in FY 2009, the New Jersey VOCA agency provided funding in the amount of \$50,141 to support the New Jersey clinic.

Under VOCA, OVC's discretionary funding is directed to two purpose areas: (1) services and support for federal crime victims, including American Indian and Alaska Native victims; and (2) national-scope training, technical assistance, and demonstration projects. In 2002, OVC awarded NCVLI a VOCA discretionary grant for a multiyear clinic demonstration project to develop models for providing direct legal services to crime victims in criminal proceedings. At the conclusion of the NCVLI, or any other demonstration project, it is highly problematic for OVC to continue funding direct, operational services as are provided by the clinics. To do so would raise a question as to why OVC is not funding other national organizations to provide or support direct assistance for non-federal victims. In the case of the legal clinics it also would raise the question of why OVC would fund local services more appropriately supported through state formula funding. NCVLI and the legal clinic network are not national in scope – the legal clinics exist in only 11 states. To truly be national in scope, there would have to be a legal clinic in all 50 states and establishment of a legal clinic in every state would require significant resources. OVC currently is exploring how to competitively provide national-scope training and technical assistance for all types of pro bono legal assistance to crime victims.

The Department of Justice recognizes that, unlike in 1984 when VOCA was enacted, there are critical victim needs that national organizations can more effectively address. This could apply to NCVLI's efforts as well as other national efforts.

In 2004, the Crime Victims' Rights Act (CVRA) authorized funding to support legal counsel and support services, provided by legal clinics, for victims in criminal cases (see 42 U.S.C § 10603d). To date, the only funding appropriated for direct legal representation under this CVRA provision has been congressionally-directed (non-VOCA) funding to NCVLI in FY 2006 and FY 2008.